

**MINUTES
BOARD OF FORESTRY
February 2 and 3, 1999
Sacramento, California**

MEMBERS PRESENT: Robert J. Kerstiens, Chairman
Herbert Baldwin
Raymond Flynn
Dale T. Geldert
Robert Heald
Tharon O'Dell

MEMBER ABSENT: Richard Rogers

BOARD STAFF PRESENT: Christopher P. Rowney
Executive Officer
Daniel R. Sendek
Executive Officer, Foresters Licensing
Fran Henson, Committee Consultant
Donna Stadler, Executive Assistant

DEPARTMENTAL STAFF: Richard Wilson, Director
Ross Johnson, Acting Deputy Director
Dean Lucke, Assistant Deputy Director

CALL TO ORDER

Chairman Kerstiens called the February 1999 Board of Forestry meeting to order.

Chairman Kerstiens then introduced the newly appointed Resources Secretary Ms. Mary Nichols.

Ms. Nichols, California Resources Secretary, said that she was from Southern California, and that her background is more of the urban area. However, she is looking forward to visiting Northern California forests. She said that the Agency views the Department and the Board as being very essential to California. The Agency is looking at the WPRC to see if it should be continued. Ms. Nichols encouraged the Board to continue with its Legislative mandate.

CHAIRMAN'S REPORT

Chairman Kerstiens reported that the University of California is putting on an eight-session Water Quality Non-point Pollution training course for private landowners to be held in Chico. He believes this to be a very important effort. Next he said that the Coast-Cascade Ranger Unit is putting on a Vegetation Management Tools Seminar demonstrating ways in using prescribed fire as a method to control fire behavior.

DIRECTOR'S REPORT

Mr. Richard Wilson, Director of the Department of Forestry and Fire Protection, referred to his report in the Board binder. He said that the Headwaters issue is in its last month with March 1 being the final date for closure.

Director Wilson said that mass wasting and water issues are very important and the Department would spend a little more time on this report. He said that he recently attended the Western Governor's Association Meeting in Las Vegas. The EPA was represented by a staff person from Washington DC on watershed issues. Water quality issues are handled differently in different parts of the county. It is each state's responsibility to make it work. He explained the strategy in California. It is important that all Departments work together. He also expressed a hope that the same approach will work at the local level.

Director Wilson then reported on the mass wasting issue. There is a lot of work being done by the Department and others. He then asked the Chief of FRAP to continue the report.

Dr. Bill Stewart, CDF Chief of the Fire Resource Assessment Program (FRAP), provided the Board with an update on the Mass Wasting Report particularly the slope stability issues. He provided the Board with a copy of his report. He said that the main areas of focus are: building a geological resource base of information; re-emphasizing the importance of mitigations for unstable areas; re-emphasizing the need for RPFs to cite the sources and how they are doing cumulative effects analysis; and the need to work with the Board of Geology to define the role of the RPF. Dr. Stewart then reviewed several complex areas from his report for the Board.

Director Wilson said that the Agency is putting together a comprehensive bond program canvassing all of the Departments in an effort to ascertain the capital needs of each Department. The idea of the Jackson Demonstration State Forest Learning Center, the Soquel Urban Center, and the idea of having more of a teaching outreach with the ability to do more research and to tie in with UCB, Humboldt State, and CalPoly are areas that the Department is

working on in framing its capital needs. The Department is looking

at late April for completing this report to the Agency. Director Wilson then said that the Department is doing well with the Y2K issue. It is about 65 percent complete on mission critical inventory.

REPORT OF THE USDA FOREST SERVICE

Ms. Karen Barnette, Assistant to the Regional Forester, said that the move to Mare Island was being done this week. She said that she supports the importance of watershed groups both as regulators and owners. She then said that the Sierra Nevada Framework EIS is on schedule. The NEPA scoping period is finished. The Forest Service has received comments and the draft EIS should be out by the end of February and the final by the end of July 1999.

Ms. Barnette then said that the Quincy Library Group (QLG) has 300 days to complete its initial scoping phase on its EIS. The QLG is drafting alternatives that should be out by the end of June and the final document by the end of August.

Ms. Barnette reported that the National Roads Policy is due to be released at any time. She said that there is minimum to no impact to roads within the Region. There will be a focus group meeting at the end of February.

Ms. Barnette said that Chief Dombeck will do his second State of the Forest speech in March.

DISCUSSION OF POSSIBLE POSITIONS OR ACTIONS ON ISSUES WITHIN JURISDICTIONS OF FEDERAL AGENCIES

Mr. Rowney introduced Doug Eberhardt of the Environmental Protection Agency (EPA).

Mr. Eberhardt said that the TMDL issues have a high priority. He then said that he was looking forward to working with the Board.

ADVISORY COMMITTEE REPORTS

CALIFORNIA FOREST PEST COUNCIL (CFPC)

There was no report this month.

RANGE MANAGEMENT ADVISORY COMMITTEE (RMAC)

Mr. Tom Randolph, Executive Secretary for RMAC, reported that the Noxious Weed Sub-committee of RMAC met with Assemblyman Allard. The RMAC is now working on putting together its Strategic Plan.

PROFESSIONAL FORESTERS EXAMINING COMMITTEE (PFEC)

Mr. Daniel R. Sendek, Executive Officer for Professional Foresters Registration, reported that the PFEC would meet in closed session to review the applications for the April exam on February 25, 1999.

He then said that the PFEC reviewed regulations dealing within the California Code of Regulations Title 14, Section 1600. The PFEC recommends modifications to Sections 1607, 1608, and 1612.1 as presented in the Board's binder.

99-02-1 Mr. Heald moved that the Board find that it cannot comply with the plain English requirement of the Administrative Procedures Act, technical language is necessary and send out the modified rules package out for a 45-Day Notice. Mr. O'Dell seconded the motion, and all were in favor.

REPORT FROM CDF TASK GROUP REGARDING REGULATORY STRUCTURES ADDRESSING TIMBER HARVESTING IMPACTS RELATED TO MASS WASTING

Mr. Rowney introduced Paul Sweeney, Executive Officer for the Board of Registration of Geologist and Geophysicists, Dr. Sands Figuers who sits on the Board of Mines and Geology, Dr. John Chatoian, U.S. Forest Service, who is the Regional Geologist, and David Beeby the Chief Deputy State Geologist with the Department of Conservation, Division of Mines and Geology.

Dr. Bill Stewart, CDF Chief of the Fire Resource Assessment Program (FRAP), reported on the business process and how the THP information is used. He said that the information base is variable. The Department has been working with the Department of Mines and Geology to increase the quality of information. There is a need to look at some of the processes that govern slope stability and how they vary. He reviewed and summarized four different components for the Board; availability of basic information, accepted methods and tools, quality of information and analysis submitted by the RPF in THPs, and agency effectiveness in interpreting information in THPs.

Dr. Stewart continued to review his handout for the Board; including, initial areas that CDF believes that the Board could focus on; existing information sets related to slope stability and its availability; and slope stability in the THP process.

Mr. Flynn asked about the lack of personnel going out on

inspections.

Ms. Trinda Bedrossian, Geologist, Department of Mines and Geology (DMG), said that DMG is short three staff persons now. She said that with the new exam, the DMG will fill three positions and that will make a total of seven positions. Ms. Bedrossian then explained how the DMG reviews THPs.

Mr. Flynn asked if the DMG is seeing improved quality in the plans going forward.

Ms. Bedrossian said that, in terms of providing geologic information, a number of companies are hiring their own geological consultants before the plans are submitted.

Mr. Tom Spitler, Department of Mines and Geology (DMG), said that quality of information provided is variable. Some of the RPFs are doing a good job. If they have any questions, they hire a geologist. Others do not. However, information is being provided to the forestry community.

Mr. Ross Johnson said that the Department is identifying all of the geological information that is out there so that it is available to the RPF. If the State Geologist cannot go out to the site, then the Department asks the applicant to get a geologist to go out to the site.

Paul Sweeney, Department of Consumer Affairs, said that the Board of Registration is working with CDF and the Board of Forestry in developing a training program for the RPF community.

Mr. O'Dell expressed concern about how much geology an RPF can perform. He was encouraged by the prospect of training the RPF. He then asked if a geologist from a different state has to be licensed in California.

Mr. Sweeney said that a geologist must be licensed in California in order to review THPs. There are approximately 4200 licensed geologists in California.

HEARING TO CONSIDER PETITION FROM CITIZENS OF HUMBOLDT AND MENDOCINO COUNTIES REQUESTING BOARD ACT ON AN EMERGENCY BASIS TO FORM AN EXPERT COMMITTEE TO ADDRESS ISSUES RELATED TO TIMBER HARVESTING ON UNSTABLE SLOPES

Chairman Kerstiens introduced the hearing and read his prepared statement into the record.

Mr. Richard Gienger, representing the Petitioners, said that it is

believed by the Petitioners that an emergency does exist. He provided maps and pictures of impacts to homes and the infrastructure, and reviewed them for the Board.

Mr. Dean Lucke, CDF, referred to the Department's letter regarding this issue. He said that the language is being discussed in the Forest Practice Committee and does not constitute an emergency. It should go through the normal review process.

Mr. Jack McKeller, Eureka City Council, said that the Eureka/Humboldt area is volatile and very seismic. An emergency rule would have a negative impact on the community.

Mr. Robert Brown, Planning Consultant, said that he is involved in stream monitoring and that there is localized flooding in Humboldt County that has nothing to do with land use activities. He then urged the Board to reject the petition.

Mr. Steve Horner, Barnum Timber Company, said that this rule would limit the activities without the knowledge of actual impacts. He then urged the Board to deny the petition.

Mr. Mark Pawlicki, Forest Resources Council (FRC), said that the FRC does not believe that an emergency exists and urged the Board not to adopt the petition.

Mr. Mark Rentz, California Forestry Association (CFA), said that CFA does not believe that it has been shown that an emergency exists. There is a need for a science-based approach.

Mr. Peter Ribar, Georgia-Pacific (GP), said that GP is opposed to the emergency rules. The issues are before the FPC and are being reviewed.

Dr. Jeff Barrett, PALCO, expressed frustration. He said that CDF is doing its job, and PALCO does not believe that an emergency exists.

Mr. Kent Stromsmoe said that this is an on-going emergency and that the rules do not work. He urged the Board to approve the petition.

Ms. Cynthia Elkins, EPIC, said that EPIC supports the emergency rules package. There is a state of emergency. She provided the Board with examples of unstable areas.

Mr. Richard Gienger said that this emergency petition is to set an operational procedure to identify problems. There is a need for good rules based on sound science. He said that this emergency rule package is a vehicle to the fastest possible proper protection measures. The Board has an obligation to respond on this petition.

Mr. Dean Lucke, CDF, said that the Department does not believe that this petition constitutes an emergency. The Department is working

with the Forest Practice Committee at this time. CDF is improving on the process to help get a better cumulative analysis. This package should be dealt with in the normal process and not as an emergency.

Chairman Kerstiens said that issues in the petition are already being worked on through the normal process of the Forest Practice Committee. He said that some of the concerns are being addressed and should continue through the normal process.

99-02-2 Mr. Heald moved to close the public hearing. Mr. Flynn seconded the motion, and all were in favor.

Mr. Heald said that he can understand the frustration. He can support some of the changes. However, there are some elements that have not yet been dealt with. Water Quality is working on addressing some of these issues. He said that he could not support and emergency action at this point in time. He said that he would like for the Board to find a way to address the issue of productivity and restoration.

Mr. O'Dell said that he was encouraged by the efforts being made. He said that he believes that the efforts that are being done will satisfy many of the concerns in the petition. The Board is following due process and believes changes are being made, and declaring an emergency would be premature.

Mr. Flynn said that it should continue to be worked on at committee level.

Mr. Geldert said that he would like to see the issues move more quickly in the areas where the science does support, but hold back a little on the issues that need more work.

99-02-3 Mr. Flynn moved to reject the petition for an emergency rule. Mr. O'Dell seconded the motion.

Chairman Kerstiens asked if there was any further discussion before the vote was taken.

Mr. Heald said that he would like to see the essence of the rule proposal be referred to committee.

Mr. Flynn said that he would make that a part of the motion, and a roll call vote was taken:

Heald	AYE
Geldert	AYE

Flynn	AYE
O'Dell	AYE

Kerstiens AYE

The motion carried 5-0. Member Baldwin was not present for this vote.

Director Wilson announced the passing of Jack Wiest, CDF Cascade Area Chief.

Chairman Kerstiens asked for a moment of silence.

REPORT OF THE EXECUTIVE SESSION

Chairman Kerstiens reported that the Board met in Executive Session to discuss pending litigation under Section 11126 (e) of the Government Code and matters related to Foresters Licensing under Section 11126 (c) 1, 2, and 3 of the Government Code.

MINUTES

Chairman Kerstiens asked for approval of the Board's January 1999 minutes.

99-02-4 Mr. Flynn Moved to approve the January minutes as amended. Mr. Heald seconded the motion, and all were in favor.

PUBLIC FORUM

Mr. Steve Horner, RPF, referring to the Mass Wasting petition considered earlier by the Board, said that it is important to get beyond the emotions. He suggested that the Board direct staff to continue consideration of the mass wasting issue by reviewing and analyzing the data. He then cited two studies for the Board.

Mr. Craig Bell, Salmonoid Restoration Council, provided a study on the importance of Class IV Streams and reviewed it for the Board.

Mr. Jesse Noel expressed concern of the limited time in which to conduct the Forest Forever hearing.

STANDING COMMITTEE REPORTS

ECOSYSTEM MANAGEMENT COMMITTEE (EMC)

Mr. O'Dell, Chair of EMC, said that the Committee received an update from Mines and Geology on the deliverables and the mapping work they are doing. There are, at this time, 66 quads posted on the internet. The Department of Mines and Geology is expecting to

have one or two new employees on staff by the end of March.

Mr. O'Dell said that FRAP provided the Committee with an update on the USGS mapping cooperative with FRAP. This is a 10 meter digital model type of mapping and it extends from Marin County to the Canadian border. It should be available by mid-summer.

Mr. O'Dell said that CFA updated the Committee on the TMDL debates and issues. The EPA is coming out with new regulations on TMDLs. CFA also updated the Committee on SB271 which allocated 5.5 million dollars for 1999 projects.

Mr. O'Dell said that the Committee then received a report on county planning efforts. He said that a summary is in the Board's binder for its review.

RESOURCE PROTECTION COMMITTEE (RPC)

Mr. Geldert, Chair of the RPC, said that the Deputy Director for Fire Protection reviewed the items in the Governor's Budget; the relocation of the Air Program, and the pay issues. Copies of the Region Chiefs' reports were given to each Board member.

Mr. Geldert said that staff attended the public scoping sessions held by the Air Resources Board (ARB) regarding the proposed changes to Title 17, Agricultural Burning Guidelines, of the Public Resources Code.

Mr. Geldert said that Department staff reported that there are currently 52 local Fire Safe Councils statewide in various stages of development. Staff briefed the Committee on the status of the Alliance for a Fire Safe California Conference.

Mr. Geldert then reported that February 15, 1999, is the deadline for comments on the Vegetation Management Program's (VMP) draft Environmental Impact Report (EIR).

Mr. Geldert reported that, in the Sierra South Region, the Volunteers in Prevention Group had its annual workshop that focused on training juvenile fire-setter profiles and how to effectively accommodate intervention. He said that the Volunteer in Prevention Award for the year 1998/99 was awarded to Ryan Bennet from the San Benito Ranger Unit.

99-02-5 Mr. Geldert then moved to send a congratulatory letter to Ryan Bennet for receiving the Volunteer and Prevention Award. Mr. Heald seconded the motion, and all were in favor.

FOREST PRACTICE COMMITTEE (FPC)

Mr. Heald, acting Chair of the FPC, reported that the Committee reviewed and approved the revised Winter Period rule language to meet the intent of the rule change, and to clarify the rules as directed by the Office of Administrative Law (OAL). The Committee then recommended that the Board send out a 15-Day Notice for public comment.

99-02-6 Mr. Heald moved to approve the revised language and send it out to a 15-Day Notice. Mr. Baldwin seconded the motion, and all were in favor.

Mr. Heald then reported that the Non-discretionary Rule package had been withdrawn pending approval of the changes requested by OAL. OAL is currently reviewing the text to determine if the changes that reflect the rule language in Barclays should be considered substantive. Staff will advise the Board when information becomes available. The Committee also requested that staff forward a copy of the Water Quality proposed rule package to the Board members for additional review.

Mr. Heald said that the Public Safety and Road Bonding issue will be agendized for the April FPC meeting.

Mr. Heald then said that the last item for discussion was the Watershed Attributes in Coho and TMDL Streams. The discussion was to establish intent, clarity, and necessity. The Committee evaluated the comments item by item. This agenda item was continued until the April FPC meeting.

EXECUTIVE OFFICERS REPORT

Mr. Christopher Rowney, Executive Officer for the Board, said that on March 1, 1999, the Board will meet in Irvine for a one-day meeting. The Alliance for a Fire Safe California is also being held in Irvine and Board members will have an opportunity to attend part or all of the Alliance.

Mr. Rowney then said that the Forest Practice Committee and staff are putting together a field trip to Santa Cruz for February 24, 1999, an agenda will go out on that trip soon.

Mr. Rowney reported that there was some Legislation developing and will report next month. Also, the May Board meeting will be a Joint meeting with the Fish and Game Commission and in Oakhurst.

NEW AND UNFINISHED BUSINESS

There were no comments under this item.

FOREST FOREVER PETITION

Chairman Kerstiens read his opening statements into the record.

Mr. Paul Hughes, Forests Forever, provided for the record approximately 6,000 signatures from citizens supporting the emergency petition. He then provided the Board with some new rule language and reviewed it for the Board. He said that the essence is that there are 22 watersheds designated in Northern California as impaired or degraded by EPA. The rule would stop timber harvest activities in these watersheds. Mr. Hughes then read from the Administrative Procedures Act which states that the standard for an emergency is an immediate threat to the public welfare. He said that CDF is currently receiving and approving THPs--this is an emergency. This rule would change the Public Resources Code, Section 4582.75 to allow other relevant agencies to have a say as to where the watersheds are impaired and if the cumulative impacts analysis should go forward.

Mr. Jesse Noel, Petitioner and Elk River Resident, provided the Board with slides of the flooding that had occurred in the area and expressed concern that there has not been a stop work order in that drainage. He continued to review sediment sources; the causes of land slides; and hillside failure. He said that CDF and the Board have an obligation to require recovery where people's property and the threat to health and safety are concerned.

Mr. Ken Miller, North Coast Resident, provided the Board with the history of the area. He referred to several studies. He said that what is being done is not comfortable for anyone. The petitioners are asking for policy changes.

Mr. Ross Johnson, CDF Deputy Director of Resource Management, said that there are a number of things going on in Freshwater and the Elk River areas. There are a number of policy issues. The emergency rule circumvents the process. CDF does not believe that an emergency exists. He said that the WPRC report is due out by June 1, 1999.

There was some further discussion.

Mr. Frank Reichmuth, Senior Engineer, North Coast Regional Water Quality Control Board (NCRWQCB), said that Water Quality has just completed negotiations with Pacific Lumber Company to provide temporary water supply to the residents along the North Fork Elk River and are looking at what could be done to provide a permanent water supply to those people. He suggested that Water Quality and

the Department of Fish and Game (DFG) should be a part of the CDF Task Force. He said that there is a need for improved management practices in watersheds. The Environmental Protection Agency (EPA) is developing half of the TMDLs. Water Quality does not have the resources to do the hillslope implementation except for the Freshwater and Elk River watersheds. Water Quality believes that there is a short fall in the process, there should be prior restraint on timber harvesting before adverse effects occur. He said that Water Quality would like to work with the Board and DFG on updating that cumulative effects assessments.

Mr. Baldwin asked staff to clarify what is actually being considered since there is the original petition and an emergency rule package.

Mr. Rowney said that the first decision by this Board is to determine if an emergency exist as presented by petitioners. The petitioners have submitted two regulations they believe are, in part, a resolution to the issues raised within their petition that they feel are important.

Mr. Baldwin asked for further clarification regarding the 22 waterbodies.

Ms. Deborah Barnes, Deputy Attorney General and Counsel for the Board, said that a reasonable interpretation would be that the proposed rule language that was presented today was part of the original petition. If this Board should determine that an emergency exists, then it would be up to the Board to decide which waterbodies would be affected.

Mr. Rowney said that due to the number of people signed up to speak to this issue, a five-minute time limit would be imposed for each speaker.

Mr. Wes Reed, Eureka Chamber of Commerce, said that the Chamber believes that this petition would have an economic impact on the County and provided the Board with a resolution expressing that concern.

Ms. Kim Browning said that he was opposed to this petition and any new regulations.

Mr. John Dalby said that this emergency rule would bring an economic impact to an area already experiencing a fragile economy.

Steve Horner, RPF, spoke on behalf of Barnum Timber Company in opposing the proposed emergency rule and urged the Board to deny the petition.

Mr. Sterling McWhorter spoke in opposition to the petition. He said that there is a need to change the review process.

Mr. Darryll Story, Resident of Freshwater Valley and representing several other residents, provided overhead slides showing flood damage for the Board. He said that old harvesting has destroyed the watershed.

Ms. Mary Pjerrou spoke in support of the petition, and urged the Board to support the emergency rule.

Mr. Craig Bell, SRF, North Coast ARG, provided some slides for the Board. He said that there is an emergency. The Sensitive Watershed Nomination process does not work. An emergency exists in the fishing industry.

Ms. Elizabeth Scheinman read a letter into the record. She also provided the Board with photographs. Her concerns were toward the fishing industry.

Ms. Nina Taylor said that she has witnessed the degradation to the river. She supports the petition.

Emilia Berol, Humboldt Watershed Council, spoke in support of the petition.

Ms. Betsy Herbert, a Santa Cruz resident, spoke in support of the petition. She then read from a letter dated November 24, 1998.

Next was a video presentation by Mr. Rudy Langlois, a Freshwater Resident, addressing the concerns over Pacific Lumber's logging practices. He was in support of the emergency rules package.

Ms. Jodie Frediani, Sierra Club in Santa Cruz County, said that the problems in Santa Cruz County are do to sedimation. She then urged the Board to consider the rules package.

Mr. Peter Ribar, Georgia-Pacific (GP), said that GP opposes the emergency rule-making petition before the Board. He suggested that the Board wait until all the issues currently being addressed are complete.

Ms. Cynthia Elkins, Environmental Protection Information Center (EPIC), said that the problem extends from the high rate of logging and that the problems are wide-spread. She then provided the Board with slides.

Mr. Jeff Barrett, Director of Fish and Wildlife Programs with Pacific Lumber Company urged the Board to reject the petition.

Mr. David Bischel, President of the California Forestry Association (CFA), provided the Board with handouts. He spoke in opposition to the petition.

Mr. Mark Rentz, CFA, said that no emergency exists and opposed the petition.

Mr. Bernie Bush, Forest Pest Council (FPC), said that the FPC opposed the petition for emergency rules.

Mr. Steve Graves, land use consultant in Santa Cruz, said that the logging industry is out of control and asked the Board to please pass the emergency rule.

Ms. Deborah Bruce spoke in support of the emergency rules package.

Ms. Joyce King, San Francisco Chapter of the Sierra Club read a letter of support into the record.

Mr. Bob Brown asked that the Board deny the petition. He also provided the Board with a handout.

Mr. Ray Newkirk believes that the Board should support the package.

Mr. Richard Gienger said that an emergency does exist because there is nothing in place to correct the problems.

Ms. Tracy Theile said that she would like for the Board to consider this an emergency.

Mr. Kent Stromsmoe said that he believes there to be a continuing and ongoing emergency.

Ms. Elise Moss asked that the Board support the emergency package to protection the water.

Dr. Bill Weaver, Pacific Watershed Associates (PWA), consultants to Pacific Lumber (PL) Company, said that he was not there to voice a position, only to discuss the type of work the PWA has done for PL. He then summarized that work for the Board.

Mr. Dan Weldon, Forest Landowners of California (FLOC), urged the Board to reject the petition.

Mr. Jim Adams, Pacific Lumber (PL), urged the Board to vote no. CDF has taken care of these issues.

Mr. Jesse Noel provided more overhead slides for the Board. He then said that it would behoove the Board to look at the impacts.

Mr. Ken Miller said that harvesting needs to stop in order to get an accurate study. He said that the streams are degraded and that the fishing industry is suffering.

Mr. Noel then said that the actions need to be based on best science available.

Mr. Ross Johnson, CDF, Deputy Director of Resource Management, said that CDF is requesting more information on THPs. He then summarized CDF's actions. The Department does not believe that there is an emergency.

99-02-7 Mr. O'Dell moved the close the public hearing. Mr. Geldert seconded the motion, and all were in favor.

Chairman Kerstiens said that there are two regulations that the petition is proposing. One is that the Director not accept THPs in impaired watersheds until a peer review analysis of the watershed can be done, and the other would require a stop work order from the Director on approved THPs in impaired watersheds until such time that an analysis is completed.

Chairman Kerstiens then asked for discussion by the Board.

Mr. O'Dell said that he believes that this petition could have a devastating effect of the North Coast. He said that he is persuaded by testimony that the problems exist, under the legal definition, an emergency does not.

Mr. Flynn said that he is not sure if stopping the logging in the Freshwater watershed would stop the flooding because of all the sediment already in the river. He favored the Sensitive Watershed Nomination approach.

Mr. Geldert said that he believes that CDF is acting in a very professional manner and that these issues are being addressed. He expressed hope that the problems could get worked out this year.

Mr. Baldwin said that it was obvious that the proponents are concerned for very good reasons. However, he did not believe that an emergency exists.

Mr. Heald said that he believes that, with the information submitted, both the Department and the proponents agree there are potential significant adverse affects in several of the watersheds. He said that he does not see a ready solution. The Department should take action where possible. He believes that Water Quality should issue an abatement order. Also there is a need to address the current plan issue. He then said that he could not vote for an emergency.

Mr. O'Dell said that the petition is separate from other issues.

Chairman Kerstiens then asked for a motion.

99-02-8 Mr. O'Dell moved to reject the emergency petition. Mr. Geldert seconded the motion, and a roll call vote was taken:

Baldwin	AYE
Heald	AYE
Geldert	AYE
Flynn	AYE
O'Dell	AYE
Kerstiens	AYE

The motion carried 6-0.

Mr. Heald asked the Department to report back to the Board soon regarding the existing plan issue.

Mr. Johnson said that there would be a letter to the Board in just a few weeks.

ADJOURNMENT

Chairman Kerstiens then asked for adjournment of the February 1999 Board of Forestry meeting with a moment of silence in memory of Jack Wiest.

99-02-9 Mr. Flynn so moved. Mr. Geldert seconded the motion, and all were in favor.

Respectfully submitted,

ATTEST:

Christopher P. Rowney
Executive Officer

Robert J. Kerstiens
Chairman

Copies of the attendance sheet may be obtained from the Board office.